App. F. IX-4

Previous References

Pol. Dept. 87-28, 1-4.

192 1-30 (Confl)

File No. 72-28

Serial Nos. 1—12

Later References

Preserve
M
17/4/43

General and Revenue Secretariat.

Serial Nos. Twelve

Part B for June 1930

SUBJECT

Birma Mail Robbery Case

19

2 Hon. Sec. Karen
P. P. Chief Min. Klem-Pwo Tr. Final Verdict
Sec. No. 6761-3 of 26.5.30
Case e'ing as a Pol Case stopping mail
accdg. to 124 Offs. 124 PP retained
Conducted in Case & Prisoners (to
1 Mr. Sept. Offs. in Judicial
Case was merely a Dispute

M Hunt
25/6/30

App. F. III—2

General and Revenue Secretariat. Law File No. 7 of 1929.

Serial No.	
1	Letter no J1-569-29 dated 16.11 from the Dt magt, Kadur State that sri T G Narayana Iyengar who was appointed as Spl PP in G.O P 2068-9/Cls 87-29-2 of 15.9.29 has declined to conduct the case in Chikmagalur and recommends that PPr, Shimoga may be entrusted conduct the case. (1) Draft G.O put up Mysore 18.11.29 (2) by 19.11.29 (3) Secy
2	To 1) The District Magistrate, Kadur 2) The Public Prosecutor Shimoga 3) Inspector General of Police 4) The Comptroller to Govt P 2718-21/ Dated 20.11.29 Intimating the recommn of the Dt Kadur

Boiwe mail Robbery Case

App. F. [II—2]

General and Revenue Secretariat. Cal File No. 72 of 1929. 2357

Serial No. 3

Letter no C 2797 dated 18/9 Nov 1929 from I.G.P intimating that in the absence of admitted handwriting of the accused, expert opinion is not likely to help much

(4) The special Prosecutor's letter ~~marked~~ to the P.U.D shows that he considers it essential for the case to have the writing on the envelopes examined by the handwriting expert. It is however said in the P.U.D that the investigating officer reports that there are not enough admitted or proved writings of the accused & that consequently the Prosecutor has been informed that expert opinion in the matter is not likely to help much.

(5) The special Prosecutor have mentioned perhaps is Mr T.G. Narayana Iyengar. Since the Pp, Shimoga is now conducting the case, he may perhaps be consulted whether it is useful & feasible to have expert opinion in the matter.

MR 21.11.29

(6) Yes. Please put up a draft accordingly.

MR 21/11

5.12.29

(7) Draft put up. It is submitted that absence of any admitted or proved hand writing of the accused cannot prevent the prosecution having the advantage of an expert opinion in the matter, to enable which

Serial No.

accused's writing in Court may perhaps be taken. Though the Patna High Court (1922 Pat 73) has deprecated the procedure of taking the finger prints of the accused in Court for comparision of any other print in question, the Mad High Court has dissented from the Patna view and has approved the practice (1927 Mad 690.)

Submitted for orders.

(14) Let me see the decisions.

Dy 22.11.29

(8) The case is now in the hands of the public prosr & it is better to take his opinion in the matter. I think the enquiry proposed in the draft may be made.

Secy) (10) 22/11

22/11

4 To the P. Pr Shimoga

28 46 of 26.11.29

Enquiring whether it is desirable in his opinion to have expert evidence re hand writing on the envelope.

Suit A Dy 2.12.29

5 Letter No: 193 dated 15 Dec 1929 from the Pr Shimoga intimating that as there is absolutely no proved hand writing of the accused, it is not

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

Serial No.

desirable to secure expert evidence on the point.

Submitted. Kind reference is invited to para 7 supra.

MM 17:12:29

The public prosecutor is of the same opinion as the Govt. The papers may be sent to Secy) 17/12

Draft to Pr, Shimoga requesting him to send weekly progress reports put up for order.

MM 17/12

17/12

6 Do letter P 3358 dated 26.12.29 to Mr. Venkatasastri for weekly reports of progress in Bowen Road case

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

Burma Mail Robbery Case

I have arranged to get
morning reports re: water
the progress of the case.

The date of occurrence was
19.4.29. The accused
was suspected on 2.5.29
& arrested on 25.7.29, and
was finally charge-sheeted on
3.9.29.
The property lost consists of
Rs: notes valued at Rs: 11,170—
in full notes, and 85 half notes
of Rs 100 each
34 witnesses have been examined
till now, and the case stands
adjourned to the 20th inst.

Submitted for favour
of
2nd Member
3rd Member

OFFICE OF THE
SECOND MEMBER OF COUNCIL
15 JAN. 1930
No.....

N. B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1880—GPB—1,50,000—2-29

4708

97:0 ~~407~~ 6

App. F. III—2]

General and Revenue Secretariat | Last File No. 72 of 1929

Serial No.	
8	Letter dated 21st Febr 1930 from the Dy Supdt Shimoga, forwarding the monthly report re. the progress made in the Birur Mail Robbery case — ~~Subt~~ to perusal 2nd member SD Rm. 22/2 SD C.S.B 27.2
9	Letter no: J. 569-29 dated 29th march 1930 recommending that the Dy Supdt Shimoga maybe paid Rs 25/- per day for the days the case is actually conducted & Rs 5/- per day of mere adjournment — for the conduct of the Birur Mail Robbery case — Draft sanctioning SD P.M. & C. Draft G.O. put up. In para 2 of the P.O it is reported that the accused has been committed to the sessions where the case is going on — Dy Supdt 2.4.30 Please put up the papers relating to the file quoted in the P.O. SD 2/4 SD 2/4

Typed Draft & Petition

Mrs
Wyse Lely)

The Dr. Mayne has recommended
Ps: evy pro day in the same case in favour
case. The Papers represented that
the same fee may be given to him in cases
of this importance & the case & the inconvenience
& loss of civil practice involved in Commencing
the case ought to be given to him, his practice
would also suffer

The Papers do not specify any
& the case was a serious & dangerous
one, and his representations appear to be
reasonable, Hence, the same &
Rs 30/ proposed in this draft

I the Members

Jacobs
27/5/71

Serial No.	
120	To The D.M. Kadur The PPR Shimoga The Comptroller Mys' Jud Secrt PB741-3 Dated 26.5.30 Sanctioning as a special case a fee of Rs30 per day for the days the PP actualy conducted the case and the usual fee of Rs5/- for days in which the Case was merely adjourned —

№ J-1-569-29

Office of the District Magistrate,
Kadur District.

Chikmagalur, dated 16th November 1929.

From

H. V. Ramaswami, Esq., M. A., B.L.,
DISTRICT MAGISTRATE
KADUR DISTRICT.

To

P. Mahadevayya, Esq., B.A., B.L.,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department. BANGALORE.

SIR,

Birur Mail Robbery case.

With reference to Government Order No. P. 2065-9/Cts. 27-29-2 dated the 15th October 1929, approving the appointment of Mr. T.G Narayana Iyengar, Advocate, Shimoga, as Special Public Prosecutor to conduct the Birur Mail Robbery Case, I have the honour to state that Mr. Narayana Iyengar has declined to take up the prosecution work at Chikmagalur on the score that he understood that the case would have to be conducted at Tarikere only and that it is not convenient to hi to go to Chikmagalur for the purpose.

2. The Public Prosecutor, Shimoga Division has agreed to conduct the prosecution of the case at Chikmagalur, by suitably adjusting his work. I request therefore, under rule 42 of the Rules for the conduct of legal affairs of Government, that you may be so good as to obtain sanction of Government authorising him to conduct the case before the Special Ist Class Magistrate, Chikmagalur.

3. Since the case has been posted to the 18th and 19th instant an the accused is an undertrial prisoner, I have, in anticipation of sanction of Government, requested the Public Prosecutor to take up t prosecution.

I have the honour to be,
Sir,
Your most obedient servant,
H V Ramaswami
District Magistrate,
Kadur District.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Letter No. J.1-569-29 dated 16th November 1929 from the District Magistrate, Kadur, stating that Mr. T.S. Narayana Iyengar, Advocate Shimoga, who was appointed as Special Public Prosecutor for the Birur Mail Robbery case in Government Order No.M. 2068/Cts 87-29-2 dated 15th October 1929 has declined to take up the case if the inquiry is held at Chikmagalur and recommending that the Public Prosecutor, Shimoga, may therefore conduct the prosecution in the case before the Special First Class Magistrate, Chikmagalur.

* * * * * * * * * * * *

ORDER No.,

Dated Bangalore the 20th November 1929.

Sanctioned.

For Secretary to Government
Law Department.

To

The District Magistrate, Kadur.
The Public Prosecutor, Shimoga.
The Inspector General of Police in Mysore.
The Comptroller to Government.

G.R..S VI G 34]

SUBJECT.....

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.....

Diary No. of letter replied to.....

Section Law

File No. 72 - 29

Serial No. 2

General and Revenue Secretariat

( )

, *the* *192*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 20/11/29

Signed by Jr No5

Read—

Letter No: J-1-569-29 dated 16th Nov^r 1929 from the District magistrate, Kadur, stating that Mr. T. G. Narayana Iyengar, Advocate, Shimoga who was appointed as Special Public Prosecutor for the Birur Hall Robbery Case in Government order No: P2068/Cls-87-29-2 dated 15th Oct^r 1929 has declined to take up the Case if the inquiry is held at Chikmagalur and Recommending that the Public Order Thereon No. Prosecutor Shimoga may be requested to Refer for conduct the Case on behalf of the in the Case prosecution before the Spl. 1st Class magistrate Chikmagalur

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order

27/8/2

Sanctioned

W for Secy to Govt

Law dept

Mg

18/11/11

1) District mag, Kasaragod

2) Public Prosecutor, Shimoga

3) D.G. Police

4) Comptroller to Govt

2357 4

No. C2797(a)1 **POLICE DEPARTMENT.** Law P 12-29-3

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated, Bangalore, 18th November 19 29

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
Inspector-General of Police in Mysore,
Bangalore.

To

P.Mahadevayya, Esq., B.A.,B.L.,
Legal Remembrancer and Secretary to
Government, Law Department.

Sir,

In enclosing herewith for the information of Government a copy of letter dated the 4th instant from the Special - Prosecutor in the Mail Robbery case, I have the honour to state that since the Investigating officer reports that - there are not enough admitted or proved writings of Mahaboob Khan, the accused, the Investigating Officer and the Prosecutor have been informed that in the absence of the admitted handwriting of the accused, expert opinion is not likely to help much.

I have the honour to be,
Sir,
Your most obedient servant,

G. Lakshmappa
Hd.Qr.Office Assistant,
For Inspector General of Police,
(Absent on leave).

Letter No.Gl.2814 of 10-11-29 from the Special Prosecutor to the Inspector General of Police in Mysore.

In connection with the Mail Robbery case it seems to me that if with reference to the hand writing on the 5 envelopes which we e sent to your personal address and - conveyed the 145 half notes, the prosecution case establishes the identity of it with that of the accused, a very strong proof will have been secured in favour of the prosecution. It seems to me to be worth while to secure the opinion of the handwriting expert before hand on this - point. If it is favourable we may examine him in court, ~~and~~ but if it is otherwise the case will not become weaker for it.

I find that the examination of some more witnesses of a formal nature is necessary to meet some technical requirements. It is strictly necessary that your examination also takes place for the mere fact of proving the receipt of the 5 envelopes and their contents. I hope I have your permission to take necessary steps in order to meet these simple formal requirements.

The senders of the three currency notes (and their addresses with their letters of correspondence) have to be examined also.

If the opinion of the handwriting expert is obtained early it would be very useful for your purposes in the conduct of the case.

With apologies for this trouble.

/COPY/

C. Lankesha Rao

For Inspector General of Police.

MS

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 26/11/29

Signed by M L N S

ection Crime

File No. 72-29

Serial No. 4

No. 2846 (2)

To

The Public Prosecutor

- Shimoga.

Sir,

In forwarding herewith a copy of letter No: C 2797 dated 18/19 th Nov^r 1929 from the Inspector General of Police with its enclosure in the matter of the Birur Mail Robbery case, I am directed to enquire whether it is desirable, in your opinion, to have expert evidence as regards the handwriting on the envelopes in question

I have ch

No 123.
Encl.

SHIMOGA,

Dated 15th. December, 1939.

From

N. SESHA SASTRI, ESQ., B.A., B.L.,
Public Prosecutor,
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

re The Sirur Mail Robbery Case.

With reference to your letter L.9646(3)/Law 73-79 d/ the 13th. November, 1939, enquiring whether it is desirable to have on record evidence as regards the handwriting on certain envelopes, I have the honor to state that no useful ~~xxxxxxx~~ evidence can be got by seeking expert opinion regarding the handwriting in question as there is absolutely no proved hand writing of the accused collected during the investigation of the case and as it is too late to further investigate in the matter. I do not, therefore, think it desirable to secure expert evidence on the point.

I have the honor to be,
Sir,
Your most obedient servant,

N. Sesha Sastri

Public Prosecutor, Shimoga Division.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 19z

Date of issue 26/12/29

Signed by Sri T. Ramachandraya

Section Law

File No. 729

Serial No. 67

No. P 3356

Confidential
Immediate

To

.....

Dear Mr. Sesha Sastri,

I am to request you to ~~send~~ forward for the information of Government weekly reports of the progress made in the Bijur Mail Robbery Case ~~of Chikmagalur~~.

to N. Seshasastri Esq BABL
Public Prosecutor
Shimoga

3495 pg

9

No
Encl.

SHIMOGA,

Dated 11th January 1930.

Camp ~~Davanagere~~

From

N. SESHA SASTRI, ESQ., B.A., B.L., VC 8 - 29
Public Prosecutor,
SHIMOGA DIVISION.

To

P. Mahadevayya Esq B.A., B.L
Secretary to the Government of Mysore
Law Department
Bangalore

Sir,

Re the Bezwada Mail Robbery case:-

In continuation of my previous letter on the subject written from Mysore camp on the 29th December'29 I have the honor to enclose herein a brief summary of the evidence let in hitherto in the above-mentioned case It will be seen that 34 witnesses have been examined in all till now The case stands posted to the 20th and 21st January'30 and it is hoped that the prosecution will be closed at the next sitting. Further progress of the case will be reported after the 21st instant.

I regret for the delay in submitting the enclosed report which was due partly

to my absence from Head Quarter & partly
to the copies of depositions not being ready

I have the honor to be,
Sir,
Your most obedient servant
N. Keshavashri
Public Prosecutor
Shimoga Division

The Berur mail Robbery case

Government vs Mahaboobkhan

(C.C 31/29-30 on the file of the Special I class magistrate Chikmagalur)

The prosecution case is, briefly, as follows: —

In the early hours of 19-4-1929 between Berur and Shivapur when the train was in motion the accused who had managed to bolt himself inside a second class compartment got into the mail van which was a closed third-class compartment & which was next to the second-class compartment referred to, intimidated the mail-guard Kuppusami Naidu, pointing a gun at him, locked him up in the lavatory and made good his escape, carrying away with him ~~several~~ a registered bag which contained several insured letters. The mail guard not having been previously acquainted with the accused was unable to make out who the stranger that was that entered the compartment and committed robbery

The matter was reported to the police at once and they took the case on file The C.I.D Inspector Mr. B. Raghavendra Rao conducted

the investigation The accused was suspected to be the culprit on 2-5-1929 and further investigation proceeded with, with the result that the accused who had absconded from his place, Berur, immediately after the occurrence was found and arrested on 25-7-1929 & charge-sheet (preliminary) placed against him on 10-8-1929. After making further investigation a final charge-sheet was submitted on 23-9-1929 for offences under sections 392, 342 and 461 I.P.C.

The property stolen consists of currency notes valued at Rs 11870/- in full notes, 85 half-notes of Rs 100/- each & a small V.P article for Rs 2/- only

Proof :—

(1) The accused was seen on the Bangalore platform a little before the Poona mail left on 18-4-1929, was seen trying to occupy the closed III class compartment next to the mail van at Berur in the early hours of 19-4-29

(2) The accused absconded in 2 or 3 days after the occurrence and could only be got at on 25-7-1929

(3) The accused was practically a pauper & immediately before

the occurrence but suddenly got-
rich spending lavishly, and
undertaking ~~various~~ extensive
tours to Madras, Bombay and
various places in Northern India.
He purchased Fiat two-seater for
about- 2500/- or so in the first- week
of May '29 in Bombay.

(4) Of the currency notes which were
lost three hundred-rupee notes
are directly traced to ~~him both~~
his possession in the first week of
May '29

Witnesses examined for the
prosecution up to this day are 34.

PW1 is Raghunathrao C-I. I Inspector
who investigated the case

PW2 is Kuppusami Naidu gives
details of the occurrence. He identifies
accused by his voice

PW3 is Chowdia Railway Sub-
pector who received the complaint-
d registered the case.

PW4 is Mordicai proprietor Im-
ial Hosiery Stores Poona who
d certain articles to the accused

13

in the early part of May '29

Pw5 is Unwala an official of the Bombay Paper Currency office who speaks to the receipt and cancellation of some of the stolen notes in the Currency office

Pw6 is Abdulla Jaffer Bhori Government Electric Contractor Poona who made some repairs to the accused's two-seater and was paid Rs 4-8-0 as charges by the accused. The accused gave a 100-rupee note signing on the back of it as 'Mustafa' and receives back 96-8-0 from the witness. This is one of the lost notes. The transaction took place in the first week of May.

Pw7 Ankalesria was present with Pw6 at the time and c[illegible] him.

Pw8 Srinivasa Iyengar station master Hiroga, & Pw10 Raja Rao station master Wapur are more or less formal witnesses who speak to the report occurrence and some minor details regarding the vehicles which formed the train of that day (19-4-29)

PW9 Veerabhadra Mudaliar PW14 Vedanayagam Nadar, PW18 Narasinga Rao and PW23 Venkatesia are Postal officials and prove that the lost 'Registered' bag was despatched from Bangalore R.M.S on the night of 18-4-1929 and handed to PW2 Kuppusami Naidu.

PW11 is James who is the chief Guard of the train on the date of robbery He speaks to the complaint made by PW2 to him and to the report made by him about the occurrence to his immediate superior officer.

PW12 Narasinga Rao Travelling Ticket examiner and PW13 Govinda-char fitter in the Bezwada Railway Station speak to some minor points

PW15 Ananthasami Iyer and PW26 Abdul Khudus are two second-class passengers from Bezwada to Tankara on the day of robbery. Both of them

depose to the fact that the secondclass compartment next to the mail van was occupied by somebody and bolted from inside and that the passenger who was in, said that there was no room there without opening the bolt.

Pw16 Rozario holds a decree against the accused for about 250/- and the accused has not satisfied the same though he was allowed to pay in easy instalment.

Pw17 Chandregowda of Peters & Co is a similar witness & proves the poverty of the accused.

Pw19 Ranjappa and Pw20 Dastagiri Sab are both of Berur and are examined to prove the poverty of the accused and the fact of his absconding.

Pw21 Mallicarjunia and Pw27 H. Lingappa advocate saw the accused on the night of 18-4-1929 on the Bangalore Rly platform...

PW22 Ramachandra Iyer is clerk currency office Madras and his evidence is similar to that of PW5 Umrala of Bombay.

PW24 Mahamad Sab proves absconding and is also speaks to the fact that the accused had left with him two wheels of the Two-seater car with him for safe custody

PW25 Narasamma is a Mahazar witness who at the time of mahazar brought out certain new jewels worn by the women of the accused's house.

PW28 Allamayya, PW29 Krishnia PW30 K.M. Hasan, PW31 Abdul Karim are some of the senders of insured letters which formed the subject of robbery. They give details of notes insured by them so also PW34 Thangavelu Mudr. of Marabhand Chetti & Co @ Vellore.

PW32 Mir Syed Zainullabdeen Khaje of Beruu proves poverty of accused.

PW 34 J. Krishna Rao Amildar Kadur produces records showing that the accused was unable to pay kandaya and allowed the lands to be forfeited to Government. He further speaks to the fact that the amount due had to be remitted as the accused had no property at all.

N Muthanna
Public Prosecutor
Shimoga Division

Camp Davanagere
11th Jan. 1930

Camp Davangere
21st. February 1930.

The Public Prosecutor,
Shimoga Division

To.

The Secretary to the Government
of Mysore,
Law Department, Bangalore.

Re: The Birur Mail Robbery Case

Sir,

In Continuation of my previous letter on the subject, I have the honour to report the following further progress in the case.

As per my previous reports on the subject, 43 witnesses for Prosecution had been examined till the 17th instant and 8 witnesses remained to be examined.

The Case came up for hearing on the 19th inst: Six witnesses were present and all of them were examined: Of these, two were from Bombay; one from Hyderabad and the remaining three from various places in the Madras Presidency.

Amirkhan Bombay proprietor, Nizamia Hotel stated that the accused halted in his hotel from 1-5-29 to 6-5-29 and gave him two of Rs 100/- each and received the change. These notes, proved to be the stolen ones, are identified by him

D'Sylva Bombay, stated to having received the said two notes of Rs 100/- each

for having paid them to the Imperial Bank, and the Indian Bank, Bombay, as he had transactions with these Banks. It is proved that these notes were presented by the said Banks to the Paper Currency office, Bombay for encashment and money obtained.

Gibbs, a writer in Nizamia hotel, Hyderabad proved that the accused visited the hotel on 24-4-29 stayed there for 3 days giving his name as Sabjan and wrote these particulars in the hotel book, which is produced in the Case.

The remaining three witnesses are senders of insured letters from different places in the Madras Presidency. These witnesses were examined with reference to their account books and other documents, showing the despatch of notes by insured post, with their numbers.

The Case was adjourned to 24-2-30.

Two more witnesses remain to be examined in this case. One of these, is an employee in Hyland & Co, Bombay and is to speak to the sale of the motor car and to the getting the car registered for the accused. This witness refuses to come to Chikmagalur and wants to be examined on Commission, if his evidence is considered to be indispensable for the Prosecution. I am considering this question and if I think that his evidence is very material and that his non examination will prejudice the Case, I shall apply for his examination on Commission. This point will be discussed with the Investigating Officer, and the District Superintendent of Police and settled on monday next.

The other witness who remains to be examined is one Narasimha Sastry, who was a student studying in the fifth form till the end of December last, in Government High School, Malleswaram Bangalore He is to speak to having seen the accused on the early morning of the day in question, trying to enter the compartment in which the witness was seated, which was next to the mail van His evidence is obviously important It appears that this boy has not been attending the School since last month and his present whereabouts are not known. He is said to be a native of Kankanhally and even his father appears to be ignorant of the present whereabouts of this boy. The Police are making vigorous attempts to trace him and produce him before the Court on the next hearing date ie, 24th inst.

Further progress will be reported in due course.

I have the honour to be
Sir,
Your most Obedient Servant,

N. Ananthasastri
Public Prosecutor
Shimoga Division

D. C. 5]

No.J1-569-29.

Fine: one

Office of the Deputy Commissioner,
Kadur District.

Chikmagalur, dated.....29th March 1930.

From

H. V. Ramasvami, Esq., M.A., B.L.,

DEPUTY COMMISSIONER,
KADUR DISTRICT.

To

P. Mahadevayya, Esq., M.A., B.L.,

LAW ~~OFFICER~~ SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
BANGALORE.

SIR,

BIRUR MAIL ROBBERY CASE.

In submitting herewith a copy of letter No.223/29-30 dated the 12th February 1930 from the Public Prosecutor, Shimoga Division, requesting for reasons stated therein, the payment of a fee of Rs 50/- per day, in lieu of the fee of Rs 16/- prescribed in rule 56(2) (a) of the rules for the conduct of legal affairs of Government, for his having conducted the prosecution of the Birur Mail Robbery case, in the Court of the Special First Class Magistrate, Chikmagalur, in accordance with Government Order No.P.2713-21/Law.72-29 dated the 20th November 1929, I have the honour to state that having regard to the difficult nature of the prosecution in this important case, owing to the numerous exhibits and records that the Public Prosecutor had to study and prepare himself with, and in view of the fact that the conduct of the case entailed his frequent absence from his head quarters (Shimoga), with possible detriment to his Civil work, a fee of Rs 25/- per day for the days he actually conducted the case, and Rs 5/- per day for the days on which the case was merely adjourned, seems to be reasonable, and I recommend that the said fee may be sanctioned.

2. It may be stated here that the accused in the case was committed

From

The Deputy Commissioner,
Kadur District.

To

The Chief Secretary to
the Government of His Highness
the Maharaja of Mysore,
Bangalore.

Dated

Despatched

Received

General No.
No.

Enclosure No.

SUBJECT.

mitted to the Sessions for trial, which is going on now.

I have the honour to be,
Sir,
Your most obedient servant,

H. Nagarajarao

Treasury Assistant Commissioner,
For District Magistrate,
Kadur District,
(absent from station).

Copy of letter No. 22[illegible] dated 12th February 1930, rom the Public Prosecutor, Shimoga Division, Shimoga, to the District Magistrate, Kadur District.

====

RE: BIRUR MAIL ROBBERY CASE.

I have the honour to state that the enquiry into the above mentioned case is ~~particularly~~ practically completed, only eight out of the 51 witnesses for the prosecution remaining to be examined.

I have not yet submitted my bill for the work hitherto done. Before submitting the same, I beg to bring to your kind notice certain facts which in the special circumstances of the case may be taken into consideration in fixing a suitable scale of fee. Though the rule is that ordinarily a fee of Rs. 16/- per day is allowed for a day's attendance in a criminal Court, a higher rate is generally sanctioned in view of the exceptional importance and difficulty of the case. It is scarcely necessary to state that the case is of exceptional importance having regard to the fact that a daring robbery in a running train involving loss of postal articles of the value of nearly Rs. 12,000/- has been committed. The case is being hotly contested, a very large number of witnesses are being examined and intricate questions of law and fact are involved in the case. Besides, I have been attending to the case at Chikmagalur, absenting myself from Head Quarter with consequent detriment to my civil practice and other work. Taking all these facts into consideration, a fee of Rs. 50/- per day, it is submitted, is reasonable and I hope you will agree. I therefore request you to kindly make the necessary recommendation and obtain sanction of Government so that I may submit my bill for the work hitherto done at an early date.

4761 P 29
22

No .....
Encl.

SHIMOGA,

Dated the 30th March 1930.

Camp Chikmagalur

From

N. SESHA SASTRI, ESQ., B.A., B.L.,
Public Prosecutor,
SHIMOGA DIVISION.

To P. Mahadevayya Esq B.A., B.L.
Secretary to the Government of Mysore
Law Department
Bangalore,

Sir,

Re the Bearer mail Robbery case:—

In continuation of my letter on the subject written from Davanagere camp last month I have the honor to state as follows:

Witnesses Narasimha Sastry and Wagle for whose examination the case stood adjourned to 24. 2 30 did not turn up and their attendance could not be secured as the former's whereabouts were not known and the latter (a resident of Bombay) declined to appear though served. After considering the pros and cons with the

istrict Superintendent of Police I dispensed
ith their evidence. Statement of the
ccused was then taken and the
ase was adjourned by the Magistrate
o 3.3.1930 for hearing arguments on
hat date arguments were heard
and the Magistrate committed the
accused to the Sessions on 12.3.30, framing
charges against him under sections
392 read with 397, 311 and 461 P.C

The case was posted by the
Sessions Judge for hearing on 24.3.30
(Kaduna sessions case no. 12/29-30) and
the hearing of the case is proceeding.
So far twenty-seven witnesses have
been examined and further hearing
will be resumed on 1.4.30, tomorrow
being a general holiday.

Of the two witness mentioned
above who were given up in the
committing Magistrate's court
Wagle was expected to prove
the purchase of a Fiat Motor

motor Car Two seater by the accused As the accused made a statement before the Committing Magistrate admitting the said purchase non-examination of the witness referred to has not prejudiced the case of the prosecution in the least As regards Narasimha Sastry I am glad to say that he was found at Dharwar on 18.3.30 & was brought over to this place at once. The Sessions Court was holding Court here at the time. I made application to the Court praying for permission to examine him in the Sessions Court under the special circumstances of the case and my application was granted. The said person was examined as PW4 on 24.3.1930 and gave the evidence which was expected of him

It is expected that the case will be closed by the end of this week. The result of the case will be duly intimated

I may mention that two of

the three offences viz 392/397 and 461 are triable by jury and 342 alone by the Court with the aid of assessors. The under-mentioned gentlemen are sitting as jurors in the case —

1 Mr B. Keshavayya (foreman)
2. " Syed Pir Sab Coffee-planter
3. " Khadir Beig merchant
4 " Chandayya "
5 " Fernandes Head Clerk
Reg Branch of the
Deputy Commissioner's
Office

I have the honor to be,
Sir,
Your most obedient servant
N. Keshavashastri
Public Prosecutor
Shimoga Division

SHIMOGA,
31. 3. 1930

Private

Camp Chikmagalur

Dear Sir,

I hope you will kindly excuse me for intruding upon your precious time by writing this private letter.

Re The Burma mail robbery case I beg to bring to your kind notice that the Kadur District Magistrate appears to have recommended a fee of Rs 25/- per day. I have given cogent reasons in my letter to him for the claim I have put forward therein. They he may consider that the rate claimed (Rs 50/- per day) is high I fail to see how he is justified in recommending such a small sum as Rs 25/- though, for this very case. Mr T.G. Narayana Iyengar who had been first approached was promised Rs 30/- per day. In fairness to me I contend that at least 30/- ought to have been recommended. This is a case in which much technical evidence both postal & Railway had to be

carefully studied and placed before Court and a very large number of witnesses had to be examined I do not wish to bore you with further reasons. I feel highly grateful to you if you will kindly see that at least 30/- per day is sanctioned.

I tender my grateful thanks to you for having obtained sanction of Government for Rs 30/- per day for the Dowlaiswaram disturbances Case.

With best regards

Yours sincerely
N. Seshagiri

G.R.S. App. F VI G-2]

SUBJECT..... .....

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Diary No. of letter replied to.....475.....

General and Revenue Secretariat

( )

the *192*

Date of issue.....26/5/30.....

Signed by.....M N S.....

Sec Law

File No. 72-29

Serial No. 12

Proceedings of the Government of His Highness the Maharaja of Mysore

Read –

Letter No: J1-564-29 dated 29th March 1930 from the District Magistrate Kadur District, recommending that for conducting the Birur Mail Robbery case the Public Prosecutor, Shimoga, be paid a fee of Rs 25/- per day for the days on which he actually conducted the case in lieu of the fee of Rs 16/- prescribed in rule 56 (2) (a) of the Rules for the Conduct of Legal Affairs & Govt. and the usual fee of Rs 5 per day for the days on which the case was merely adjourned

Orders. 6741—3

Having regard to the important nature of the Birur Mail Robbery case and in view of the fact that the Public Prosecu

May this be

i Printed? in the Court of the Spl 1st class magte Chikmagalur

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Shimoga, has to ~~conduct~~ be frequently
~~the Case~~ absent from his
headquarters to ~~conduct~~ the prejudice of his Civil work
~~the Case in the Court of~~
~~the Special I class magistrate~~
~~Chikmagalur~~, Government
are pleased to sanction
a fee of ~~Rs 25~~ Rs: 30/ per day for
the days he actually conducted
the Case and Rs 5/- per day
for the days on which the
Case was merely adjourned +

M.I

—Secy to Govt

Proceedings of the Govt. of His Highness the Maharaja of Mysore.

Read:-

Letter No. J1-569-29 dated 29th March 1930 from the District Magistrate Kadur Dt. recommending that for conducting the Birur Mail Robbery case in the Court of the Special First Class Magistrate Chikmagalur the Public Prosecutor Shimoga, be paid a fee of Rs.25/- per day for the days on which he actually conducted the case in lieu of the fee of Rs. 16/- prescribed in rule 56 (2) (a) of the - Rules for the conduct of Legal Affairs of - Government and the usual fee of Rs.5/- per day for the days on which the case was merely adjourned.

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O R D E R No.P. 6 41-3 L5

Dated 26 May 1930.

Having regard to the important nature of the case and in view of the fact that the Public Prosecutor, Shimoga, had to be frequently absent from his headquarters to the prejudice of his Civil work, Government are - pleased to sanction a fee of Rs. 30/- per day for the days he actually conducted the case and Rs. 5/- per day for the days on which the case was merely adjourned.

Secretary to Government
Law Department.

To

The District Magistrate, Kadur.
The Public Prosecutor, Shimoga.
The Comptroller to Government thro' Finl.Sec

Proceedings of the Government of His Highness

the Maharaja of Mysore.

R e a d--

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O r d e r,No.

Dated, Bangalore the May 1930.

Having regard to the important nature of the case and in view of the fact that the Public Prosecutor, Shimoga, had to be frequently absent from his headquarters to the prejudice of his Civil work, Government are pleased to sanction a fee of Rs. 30/- per day for the days he actually conducted the case and Rs. 5/- per day for the days on which the case was merely adjourned.

For Secretary to Government,

Law Department.

To

The District Magistrate, Kadur.

The Public Prosecutor, Shimoga.

The Comptroller to Government (hough Financial Sectt.

TD.